

## Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00  
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 SS-15  
NSC-05 L-03 AF-10 NEA-10 EA-07 IO-13 /094 R

DRAFTED BY EB/AN:JBMAGNOR:VLV  
APPROVED BY EB/AN:RABROWN  
EUR/NE - JSHUMATE  
CAB - AHSIMMS

-----190049Z 073902 /20

P 182139Z MAY 77  
FM SECSTATE WASHDC  
TO AMEMBASSY LONDON PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: CIVAIR - US-UK CIVAIR NEGOTIATIONS--REVISIONS TO  
TARIFF ARTICLE TALKING POINTS

REF: PIPER/SIMMS TELCON MAY 17

PARAGRAPH 4, PAGE 3 OF TARIFF ARTICLE TALKING POINTS HAS  
BEEN REVISED TO READ AS FOLLOWS:

QUOTE. PARA 4. THIS PARAGRAPH INCORPORATES THE UK VIEW AS  
TO THE TREATMENT OF TARIFFS OTHER THAN FOR THIRD AND FOURTH  
FREEDOM SERVICE TO WHICH WE HAVE ADDED A NON-DISCRIMINATION  
CLAUSE. MR. BONNEY ADVISED MR. SIMMS THAT THE NON-  
DISCRIMINATION CLAUSE WAS ACCEPTABLE PROVIDED THAT IT IS  
UNDERSTOOD THAT IT WOULD NOT REQUIRE PARTICIPATION IN  
THROUGH FARES BETWEEN A POINT IN THE UK AND A POINT OUTSIDE  
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THE UK BY A CARRIER WHICH DID NOT HAVE FIFTH FREEDOM RIGHTS  
TO SERVE BETWEEN THOSE TWO POINTS.

SUCH A UNDERSTANDING WOULD, IN ITSELF, DISCRIMINATE  
AGAINST OUR CARRIERS, FOR IT WOULD MEAN THAT OUR CARRIERS  
WOULD BE EXCLUDED, FOR EXAMPLE, FROM CERTAIN FARES BETWEEN  
THE UNITED KINGDOM AND AUSTRALASIA VIA THE USA WHILE YOUR

CARRIERS CONTINUE TO HAVE UNLIMITED ACCESS TO ALL FARES

BETWEEN THE USA AND CONTINENTAL EUROPE, MIDDLE AND FAR EAST, AND AFRICA VIA THE UK.

I SHOULD POINT OUT AS AN EXAMPLE THAT FOR SOME TIME NOW, THE GOVERNMENT OF INDIA HAS ORDERED AN EXCURSION FARE TO APPLY BETWEEN THE USA AND INDIA ONLY WHEN THE CARRIER PROVIDES A THROUGH FLIGHT WITHOUT CHANGE OF FLIGHT NUMBER. BRITISH AIRWAYS HAS NOT ACCEPTED THIS RESTRICTION, ALTHOUGH ITS SERVICES DO NOT MEET THE CONDITIONS, AND CONTINUES TO CARRY THIS TRAFFIC ON THE BASIS OF TARIFFS FILED WITH US WHICH HAVE BEEN ACCEPTED SINCE WE HAVE NOT FOLLOWED A COURSE OF RESTRICTING CARRIERS PARTICIPATION.

THERE IS A FUNDAMENTAL QUESTION OF RECIPROCITY INVOLVED-- OBVIOUSLY CARRIERS OF BOTH PARTIES MUST BE ENTITLED TO THE SAME PRIVILEGES ON FIFTH FREEDOM TRAFFIC, OR IF RESTRICTIONS ARE TO BE 'UNDERSTOOD' THEN THEY MUST BE 'UNDERSTOOD' FOR BOTH SIDES. END QUOTE. CHRISTOPHER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, NEGOTIATIONS, AMENDMENTS, TARIFF AGREEMENTS  
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**Copy:** SINGLE  
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**Disposition Approved on Date:**  
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**Drafter:** JBMAGNOR:VLV  
**Enclosure:** n/a  
**Executive Order:** N/A  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
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**Subject:** CIVAIR - US-UK CIVAIR NEGOTIATIONS--REVISIONS TO TARIFF ARTICLE TALKING POINTS  
**TAGS:** EAIR, UK  
**To:** LONDON  
**Type:** TE  
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**Review Markings:**  
Margaret P. Grafeld  
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